SPECIAL BOARD MEETING

MINUTE OF THE MEETING HELD ON

1 September 2025

AT 10.30

MS TEAMS ONLY

Present:

Ms Catherine Dyer, Chair
Mr Graham Bell
Mr Alec Spencer
Ms Helen Wollaston
Mr Keith Rosser
Ms Linda de Caestecker
Ms Lorraine Gillies

In attendance CJS: Ms Karyn McCluskey, Chief Executive
Ms Hilary Ramsay, Head of Corporate Services
Ms Rebecca Proctor, Business Manager **(minutes)**

Apologies: Sheriff Kathrine Mackie (Advisor to the Board)
Mr Henry Acres
Ms Pauline Aylesbury

1. Welcome and Apologies

1.1 The Chair welcomed all attending the meeting and noted that, given the short notice of the special meeting, this was being attended by all on Teams only. Also, that a recording of the meeting would be made and would be retained by CJS until a Minute was agreed.

1.2 The Members present had all been present at the Board Meeting on 30 July when the Chair had raised a matter of AOB as the last item, 11.4, of the meeting on that day. The subject matter was current Radio Frequency Electronic Monitoring (RFEM) system and processes. The Chair advised that on this occasion, as at the meeting on 30 July, to avoid the possibility of any potential conflict of interest being perceived as a result of their presence, **Mr Acres and Ms Aylesbury had not been invited to attend this meeting**.

2. RFEM Discussion

2.1 The Chair confirmed that she had called the Special Meeting as the next scheduled Board Meeting was not due until November and that a number of updates had been received from Scottish Government in respect of RFEM which the Board would wish to consider before deciding in any further action. The Chief Executive recapped the information that the Board had been advised of in respect of RFEM at its meeting of 30 July 2025 at AOB item 11.4. The Chair and Chief Executive provided updates which had been received during August from Scottish Government (SG) Justice Directorate regarding their new approach to joint working with relevant front line Justice organisations to address issues that had arisen around the effectiveness of their RFEM processes for some accused who had been released on Bail with EM orders.

2.2 Board members had been clear during their discussions on 30 July that improvements in RFEM system processes and outcomes were needed to avoid potential impacts on victims where orders included an order to stay away from premises, and on accused persons wishing to comply with curfew and stay away orders but facing urgent circumstances arising such as unavoidable homelessness which could lead to breach proceedings and increases in the level of prison population.

2.3 The Board had further discussion on 30 July as to whether a Section 30 National Improvement Notice in relation to RFEM should be issued by CJS to ensure sufficient action by SG and relevant front line Justice organisations to attempt to resolve issues jointly; and also the need to make EM more effective by SG and Justice delivery organisations moving to use of Global Positioning System (GPS) technologies rather than RF, as GPS monitors could be applied and in operation immediately at court, continue to track an individual even if they moved away from their Bail address, and had the additional potential to support drug/alcohol monitoring.

2.4 Members had been of the view in their discussions on 30 July that the initial evidence around relevant work by SG and front-line Justice organisations on RFEM did not demonstrate sufficient urgency, or clarity of purpose.

2.5 Given the latest information provided in August by the Justice Directorate, the Board considered that SG and relevant Justice partners were now taking this work forward as a matter of urgency. The Board therefore confirmed an intention not to issue a section 30 Recommendation in respect of RFEM but to keep these matters under review. If it appears such work on RFEM does not occur, the Board will revisit the question of whether a Section 30 recommendation, in that particular respect, is required.

2.6 The Director of Justice had also requested that CJS assist SG and Justice partners in reviewing current processes and identifying matters that required change to improve RFEM processes and outcomes. Members agreed to that assistance being provided. However, the Board did consider that use of GPS is a simpler, more efficient and effective approach to EM because it allows the fitting of the monitoring bracelet, and monitoring, to commence immediately the order is made. In the case of those liberated on Bail with an GPS EM order, which would be able to take place at court prior to release without the need for installation of a RF box in any premises. GPSEM is also able to continue monitoring curfew and stay away conditions even if there was sudden inability for an accused to remain at the initial Bail address until necessary consents for change of Bail address had occurred, or because of admission to hospital etc.

2.7 Accordingly, the Board did wish to proceed to issue a s30 National Improvement Recommendation that SG and relevant Justice partners pursue implementation of GPS EM, which had been sanctioned by statute since 2019 but not yet implemented in respect of those released on Bail.

ACTION: Members agreed to CJS assisting SG and relevant partners in reviewing current processes and identifying matters that require change to improve RFEM processes and outcomes, as requested by the Director of Justice.

ACTION: The Chief Executive will draft a s 30 National Improvement Recommendation for issuing and publication in respect of the need for SG and justice partners to move to GPS EM in preference to RFEM.

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